United Nations S/2005/396

Security Council

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Draft resolution

The Security Council,

Reaffirming its support for the process of the Peace and Reconciliation Agreement for Burundi, signed at Arusha on 28 August 2000,

Convinced of the need, for the consolidation of peace and reconciliation in Burundi, to establish the truth, investigate the crimes, and identify and bring to justice those bearing the greatest responsibility for crimes of genocide, crimes against humanity and war crimes committed in Burundi since independence, to deter future crimes of this nature, and to bring an end to the climate of impunity, in Burundi and in the region of the Great Lakes of Africa as a whole,

Emphasizing that appropriate international assistance to Burundi is needed to help the Burundian people end impunity, promote reconciliation, and establish a society and government under the rule of law,

Having taken note of the letter addressed on 24 July 2002 by the then President of the Republic of Burundi, Pierre Buyoya, to the Secretary-General to request the establishment of an international judicial commission of inquiry, as provided for in the Arusha Agreement,

Having also taken note of the report transmitted by the Secretary-General to the Security Council on 11 March 2005 (S/2005/158), following on the assessment mission he had dispatched to Burundi, from 16 to 24 May 2004, to consider the advisability and feasibility of establishing such a commission,

Having heard the opinion of the Transitional Government of Burundi, presented by its Justice Minister, Didace Kiganahe, on 15 June 2005, on the recommendations contained in this report, which aim at the creation of a mixed Truth Commission and a Special Chamber within the court system of Burundi,

Acknowledging the crucial importance of reconciliation for peace and national unity in Burundi and *sharing the view* that a future Truth Commission should contribute to it,

1. *Requests* the Secretary-General to initiate negotiations with the Government and consultations with all Burundian parties concerned on how to implement his recommendations, and to report to the Council by 30 September 2005 on details of implementation, including costs, structures and time frame;

2. *Decides* to remain seized of the matter.

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